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Official Business Penalty For Private Use, \$300 Alexandria, Va. 22313-1450 P.O. Box 1450 Organization _ If Undeliverable Return In Ten Days UNITED STATES PATENT AND TRADEMARK 🧔 02 1M 0004244975 MAILED FROM ZIP CODE 22314 SANGS POSTAGE \$ 00 PORTUNITY EMPLOYED 761 PARTRIDGE AVENUE WILLIAM J. DOWER MENLOPARK, CA 94025 RECEIVED NOV 0 8 2008 Mental State of the state of th

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UNITED STATES PATENT AND TRADEMARK OFFICE

IN

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COPY MAILED

OCT 2 3 2008

OFFICE OF PETITIONS

HELLER EHRMAN LLP 4350 LA JOLLA VILLAGE DRIVE, 7TH FLOOR SAN DIEGO, CA 92122

In re Application of

William J. DOWER, et al

Application No. 09/650,337

Filed: August 28, 2000

Attorney Docket No. 44368-0001 US C7

DECISION ON PETITION

TO WITHDRAW

FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 23, 2008.

The request is APPROVED.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Leslie B. Overman on behalf of all the attorneys of record associated with Customer No. 25213.

All the attorneys of record associated with Customer No. 25213 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-

6735.

Diane Goodwyn Petitions Examiner Office of Petitions

cc:

WILLIAM J. DOWER 761 PARTRIDGE AVENUE MENLO PARK, CA 94025

cc:

GOODWIN PROCTER LLP ATTN:PATENT ADMINISTRATOR 135 COMMONWEALTH DRIVE MENLO PARK, CA 94025-1105



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

NOTICE OF FINAL RULEMAKING

REVISED FEE SCHEDULE

The United States Patent and Trademark Office (USPTO) has amended the rules of practice in patent cases to adjust certain patent fee amounts to reflect fluctuations in the Consumer Price Index (CPI). The USPTO is adjusting the patent fee amounts under the Consolidated Appropriations Act, 2005 (Consolidated Appropriations Act), which revised certain patent fees, and provided for a search fee and examination fee separate from the filing fee. Legislation has been enacted that extends the fee rate revisions in the Consolidated Appropriations Act.

A notice was published in the Federal Register on August 14, 2008, and in the Official Gazette of the United States Patent and Trademark Office on September 2, 2008.

Any fee amount paid on or after October 2, 2008 must be paid as shown in the revised fee schedule. This notice does not affect trademark fees.

The fee schedule is available on our Web site at www.uspto.gov. The most up-to-date fee amounts and information, as well as the complete listing and description of fees, are also available on our Web site. Any future changes to the fees will be posted to the Web site.

If you have any questions related to patents and trademarks, please call the USPTO Contact Center at (571) 272-1000 or (800) 786-9199.

Chief Financial Officer

UNITED STATES PATENT AND TRADEMARK OFFICE Effective October 2, 2008

Any fee amount paid on or after October 2, 2008, must be paid as shown in the revised fee schedule. The fees subject to reduction for small entities that have established status (37 CFR 1.27) are shown in a separate column. For additional information, please call the USPTO Contact Center at (571) 272-1000 or (800) 786-9199.

Fee	25 CED		Sı	nall Entity Fee
Code	37 CFR	Description	Fee	(if applicable)
	cation Filing Fee		220.00	165.00
1011/2011	1.16(a)(1)	Basic filing fee - Utility filed on or after December 8, 2004	330.00	
4011†	1.16(a)(1)	Basic filing fee - Utility (electronic filing) filed on or after December 8, 2004	N/A 850.00	
1001/2001	1.16(a)(2)	Basic filing fee - Utility filed before December 8, 2004		
1201/2201	1.16(h)	Independent claims in excess of three	220.00	
1202/2202	1.16(i)	Claims in excess of 20	52.00	
1203/2203	1.16(j)	Multiple dependent claim	390.00 130.00	
1051/2051	1.16(f)	Surcharge - Late filing fee or oath or declaration	270.00	•
1081/2081	1.16(s)	Utility Application Size Fee - for each additional 50 sheets		
1012/2012	1.16(b)(1)	Basic filing fee - Design filed on or after December 8, 2004	220.00	
1002/2002	1.16(b)(2)	Basic filing fee - Design filed before December 8, 2004	380.00	
1017/2017	1.16(b)(1)	Basic filing fee - Design (CPA) filed on or after December 8, 2004	220.00	
1007/2007	1.16(b)(2)	Basic filing fee - Design (CPA) filed before December 8, 2004	380.00	
1082/2082	1.16(s)	Design Application Size Fee - for each additional 50 sheets	270.00	
1013/2013	1.16(c)(1)	Basic filing fee - Plant filed on or after December 8, 2004	220.00	
1003/2003	1.16(c)(2)	Basic filing fee - Plant filed before December 8, 2004	600.00	
1083/2083	1.16(s)	Plant Application Size Fee – for each additional 50 sheets	270.00	
1014/2014	1.16(e)(1)	Basic filing fee - Reissue filed on or after December 8, 2004	330.00	
1004/2004	1.16(e)(2)	Basic filing fee - Reissue filed before December 8, 2004	850.00	
1019/2019	1.16(e)(1)	Basic filing fee - Design Reissue (CPA) filed on or after December 8, 2004	330.00	
1009/2009	1.16(e)(2)	Basic filing fee - Design Reissue (CPA) filed before December 8, 2004	850.00	
1204/2204	1.16(h)	Reissue independent claims in excess of three	220.00	
1205/2205	1.16(i)	Reissue claims in excess of 20	52.00	
1084/2084	1.16(s)	Reissue Application Size Fee – for each additional 50 sheets	270.00	
1005/2005	1.16(d)	Provisional application filing fee	220.00	
1085/2085	1.16(s)	Provisional Application Size Fee - for each additional 50 sheets	270.00	
1052/2052	1.16(g)	Surcharge - Late provisional filing fee or cover sheet	50.00	
1053	1.17(i)	Non-English specification	130.00	1
Data de Caració	1. P			
Patent Searc		Litility Coards Eag	540.00	270.00
1111/2111	1.16(k)	Utility Search Fee		
1112/2112	1.16(l)	Design Search Fee	100.00 330.00	
1113/2113	1.16(m)	Plant Search Fee	540.00	
1114/2114	1.16(n)	Reissue Search Fee	340.00	270.00
Patent Exam	ination Fees			
1311/2311	1.16(o)	Utility Examination Fee	220.00	110.00
1312/2312	1.16(p)	Design Examination Fee	140.00	
1313/2313	1.16(g)	Plant Examination Fee	170.00	
1314/2314	1.16(r)	Reissue Examination Fee	650.00	
	(.)			
Patent Post-	Allowance Fees			
1501/2501	1.18(a)	Utility issue fee	1,510.00	755.00
1502/2502	1.18(b)	Design issue fee	860.00	
1503/2503	1.18(c)	Plant issue fee	1,190.00	595.00
1511/2511	1.18(a)	Reissue issue fee	1,510.00	755.00
1504	1.18(d)	Publication fee for early, voluntary, or normal publication	300.00	
1505	1.18(d)	Publication fee for republication	300.00)

[†] The 4000 series fee code may be used via EFS-Web at www.uspto.gov/ebc/efs/.

Fee			
Code	37 CFR	Description	Fee
Patent Se	ervice Fees		
8001	1.19(a)(1)	Printed copy of patent w/o color, delivery by USPS, USPTO Box, or electronic means	3.00
8003	1.19(a)(2)	Printed copy of plant patent in color	15.00
8004	1.19(a)(3)	Color copy of patent (other than plant patent) or SIR containing a color drawing	25.00
8005	1.19(a)(1)	Patent Application Publication (PAP)	3.00
8007	1.19(b)(1)(i)(A)	Copy of patent application as filed	20.00
8008	1.19(b)(1)(i)(B)	Copy of patent-related file wrapper and paper contents of 400 or fewer pages	200.00
8009	1.19(b)(1)(i)(C)	Each additional 100 pages of patent-related file wrapper and (paper) contents, or portion thereof	40.00
8010	1.19(b)(1)(i)(D)		25.00
8011			25.00
8011	1.19(0)(1)(1)(8)	Copy of patent-related file wrapper and contents if provided electronically or on a physical	55.00
8012	1 10/b)(1)(;)(C)	electronic medium as specified in § 1.19(b)(1)(ii)	
8041	1.19(b)(1)(i)(C) 1.19(b)(2)(i)(A)	Each continuing physical electronic medium in single order of § 1.19(b)(1)(ii)(B)	15.00
0041	1.19(0)(2)(1)(A)	Copy of patent-related file wrapper contents, other than as available in § 1.19(b)(1); first physical electronic medium in a single order	55.00
8042	1.19(b)(2)(i)(B)	Each continuing copy of patent-related file wrapper and contents as specified in	33.00
		§ 1.19(b)(2)(i)(A)	15.00
8043	1.19(b)(2)(ii)	Copy of patent-related file wrapper contents other than as available in § 1.19(b)(1);	
		provided electronically other than on a physical electronic medium	55.00
8013	1.19(b)(3)	Copy of office records, except copies of applications as filed	25.00
8014	1.19(b)(4)	For assignment records, abstract of title and certification, per patent	25.00
8904	1.19(c)	Library service	50.00
8015	1.19(d)	List of U.S. patents and SIRs in subclass	3.00
8016	1.19(e)	Uncertified statement re status of maintenance fee payments	10.00
8017	1.19(f)	Copy of non-U.S. document	25.00
8050	1.19(g)	Petitions for documents in form other than that provided by this part, or in form other than	
		that generally provided by Director, to be decided in accordance with merits	AT COST
8019	1.21(d)	Local delivery box rental, annually	50.00
8020	1.21(e)	International type search report	40.00
8902	1.21(g)	Self-service copy charge, per page	0.25
8021	1.21(h)	Recording each patent assignment, agreement or other paper, per property	40.00
8022	1.21(i)	Publication in Official Gazette	25.00
8023	1.21(j)	Labor charges for services, per hour or fraction thereof	40.00
8024	1.21(k)	Unspecified other services, excluding labor	AT COST
8025	1.21(1)	Retaining abandoned application	130.00
8026	1.21(n)	Handling fee for incomplete or improper application	130.00
8027	1.296	Handling fee for withdrawal of SIR	130.00
		GENERAL FEES	
Finance (Service Fees		
9201	1.21(b)(1) or	Establish deposit account	10.00
/201	2.6(b)(13)(i)	Detaolish deposit decount	10.00

Finance	Service Fees		
9201	1.21(b)(1) or	Establish deposit account	10.00
9202	2.6(b)(13)(i) 1.21(b)(2) or	Service charge for below minimum balance	25.00
	2.6(b)(13)(ii)		
9202 9101	1.21(b)(3) 1.21(m) or	Service charge for below minimum balance restricted subscription deposit account	25.00
9101	2.6(b)(12)	Processing each payment refused or charged back	50.00
Compute	er Service Fees		
8031/853	31	Computer records	AT COST

Fee Code	37 CFR	Description	Fee	Small Entity Fee (if applicable)
PCT Fees - N	National Stage			
1631/2631	1.492(a)	Basic National Stage Fee	330.0	0 165.00
1641/2641	1.492(b)(2)	National Stage Search Fec - U.S. was the ISA	100.0	0 50.00
1642/2642	1.492(b)(3)	National Stage Search Fee - search report prepared and provided to USPTO	430.0	0 215.00
1632/2632	1.492(b)(4)	National Stage Search Fee - all other situations	540.0	0 270.00
1633/2633	1.492(c)(2)	National Stage Examination Fee - all other situations	220.0	0 110.00
1614/2614	1.492(d)	Claims - extra independent (over three)	220.0	0 110.00
1615/2615	1.492(e)	Claims - extra total (over 20)	52.0	0 26.00
1616/2616	1.492(f)	Claims - multiple dependent	390.0	0 195.00
1681/2681	1.492(j)	National Stage Application Size Fee - for each additional 50 sheets	270.0	00 135.00
1617/2617	1.492(h)	Oath or declaration after 30 months from priority date	130.0	00 65.00
1618	1.492(i)	English translation after 30 months from priority date	130.0	
PCT Fees - I	nternational Sta	<u>ge</u>		
1601	1.445(a)(1)	Transmittal fee	300.0	00
1602	1.445(a)(2)	Search fee - regardless of whether there is a corresponding application (see 35 U.S.C. 361(d) and PCT Rule 16)	1,800.0	00
1604	1.445(a)(3)	Supplemental search fee when required, per additional invention	1,800.0	
1605	1.482(a)(1)	Preliminary examination fee - U.S. was the ISA	600.0	
1606	1.482(a)(1)	Preliminary examination fee - U.S. was not the ISA	750.0	
1607	1.482(a)(2)	Supplemental examination fee per additional invention	600.0	
1619	1.402(u)(2)	Late payment fee	VARIABI	
1621		Transmitting application to Intl. Bureau to act as receiving office	300.0	
	Foreign Offices			
1701		International filing fee (first 30 pages) – filed in paper w/ PCT Easy zip		
		file or electronically w/o PCT Easy zip file	1,237.0	
1702		International filing fee (first 30 pages)	1,338.0	
1703		Supplemental international filing fee (for each page over 30)	15.0	
1704		International search (EPO)	2,665.0	
1705		Handling fee	171.0	00
1706		Handling fee – 90% reduction, if applicant(s) meets criteria specified at:		
		www.wipo.int/pct/en/fees/fee_reduction.pdf	17.1	
1708		International CD applications	6,000.0	
1709		International search (KIPO)	244.0	00
1710		International filing fee (first 30 pages) – filed electronically w/ PCT		
		Easy zip file	1,137.0)()
Patent Enrol 9001	1.21(a)(1)(i)	Application fee (non-refundable)	40.0) 0
9001	1.21(a)(1)(1) 1.21(a)(2)	Registration to practice or grant limited recognition under §11.9(b) or (c)	100.0	
9003		Reinstatement to practice	40.0	· ·
	1.21(a)(3)	Certificate of good standing as an attorney or agent	10.0	
9005	1.21(a)(4)			
9006	1.21(a)(4)	Certificate of good standing as an attorney or agent, suitable for framing	20.0	
9010	1.21(a)(1) (ii)(A)	For test administration by commercial entity	200.0	
9011	1.21(a)(1) (ii)(B)	For test administration by the USPTO.	450.0	00
9012	1.21(a)(5)(i)	Review of decision by the Director of Enrollment and Discipline under §11.2(c)	130.0	00
9013	1.21(a)(5)(ii)	Review of decision of the Director of Enrollment and Discipline under §11.2(d)	130.0	00
9014	1.21(a)(10)	Application fee for person disciplined, convicted of a felony or certain	1 400 4	10
9024	1.21(k)	misdemeanors under §11.7(h)	1,600.0 AT COS	

^{*} PCT Fees to Foreign Offices are subject to periodic change due to fluctuations in exchange rates. Refer to the Official Gazette of the United States Patent and Trademark Office for current amounts.

1552/2552 1.20(f) Due at 7.5 years 2,480.00 1,240 1,240 1,253/2553 1.20(g) Due at 11.5 years 4,110.00 2,055 1.20(h) Surcharge - Late payment within 6 months 130.00 65 1.20(i)(1) Surcharge after expiration - Late payment is unavoidable 700.00 1,640.00 700.00 1,640.00 700.00	/ Fee
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1809/2809 1.17(r) Filing a submission after final rejection (see 37 CFR 1.129(a))	
(a) 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	5 00
1810/2810 1.17(s) For each additional invention to be examined (see 37 CFR 1.129(b))	5.00
(3)	
Post Issuance Fees	
1811 1.20(a) Certificate of correction	
1812 1.20(c)(1) Request for ex parte reexamination	
1813 1.20(c)(2) Request for inter partes reexamination	
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22000	5.00
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Patent Extensions of Time Fees	
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	5.00
	5.00
1255/2255 1.17(a)(5) Extension for response within fifth month	
Patent Appeals/Interference Fees	
	0.00
	0.00
1403/2403 41.20(b)(3) Request for oral hearing	0.00
Patent Petition Fees	
1462 1.17(f) Petitions requiring the petition fee set forth in 37 CFR 1.17(f) (Group I) 400.00	
1463 1.17(g) Petitions requiring the petition fee set forth in 37 CFR 1.17(g) (Group II) 200.00	
1464 1.17(h) Petitions requiring the petition fee set forth in 37 CFR 1.17(h) (Group III) 130.00	
1451 1.17(j) Petition to institute a public use proceeding	
	00.0
	00.0
1.17(t) Acceptance of an unintentionally delayed claim for priority, or for filing a	
request for the restoration of the right of priority	
1455 1.18(e) Filing an application for patent term adjustment	
1.18(f) Request for reinstatement of reduced term	
1.20(j)(1) Extension of term patent	
1.20(j)(2) Initial application for interim extension (see 37 CFR 1.790)	
1.20(j)(3) Subsequent application for interim extension (see 37 CFR 1.790)	

^{*} Reduced by basic filing fee paid.

Fee	
Code	37 CFR

Description

Fee

Couc	37 CFR	Description	
6001	Processing Fees 2.6(a)(1)(i)	* Application for registration, per international class (paper filing)	375.00
7001	2.6(a)(1)(ii) 2.6(a)(1)(ii)	Application for registration, per international class (paper filing)	325.00
7001	2.6(a)(1)(iii)	Application for registration, per international class (electronic filing, TEAS Plus)	275.00
		•••	100.00
6002/7002 6003/7003	2.6(a)(2)	Filing an Amendment to Allege Use under § 1(c), per class Filing a Statement of Use under § 1(d)(1), per class	100.00
6004/7004	2.6(a)(3)		100.00
6004/7004	2.6(a)(4)	Filing a Request for a Six-month Extension of Time for Filing a Statement of Use under § 1(d)(1), per class	150.00
6005/7005	2.6(a)(15)	Petitions to the Director	100.00
6006	2.6(a)(19)	Dividing an application, per new application (file wrapper) created	100.00
6008/7008	2.6(a)(1)(iv)	Additional fee for application that doesn't meet TEAS Plus filing requirements, per class	50.00
6201/7201	2.6(a)(1)(17)	Application for renewal, per class	400.00
6203/7203	2.6(a)(5) 2.6(a)(6)	Additional fee for filing renewal application during grace period, per class	100.00
6204	2.6(a)(0) 2.6(a)(21)	Correcting a deficiency in a renewal application	100.00
6205/7205	2.6(a)(21) 2.6(a)(12)	Filing § 8 affidavit, per class	100.00
6206/7206	2.6(a)(12) 2.6(a)(14)	Additional fee for filing § 8 affidavit during grace period, per class	100.00
6207	2.6(a)(14) 2.6(a)(20)	Correcting a deficiency in a § 8 affidavit	100.00
6208/7208	2.6(a)(13)	Filing § 15 affidavit, per class	200.00
6210	2.6(a)(7)	Publication of mark under § 12(c), per class	100.00
6211		Issuing new certificate of registration	100.00
	2.6(a)(8)	Certificate of correction, registrant's error	100.00
6212/7212	2.6(a)(9)	Filing disclaimer to registration	100.00
6213 6214	2.6(a)(10)		100.00
	2.6(a)(11)	Filing amendment to registration	300.00
6401/7401 6402/7402	2.6(a)(16)	Petition for cancellation, per class	300.00
6403/7403	2.6(a)(17)	Ex parte appeal, per class	100.00
0403/7403	2.6(a)(18)	Ex parte appear, per class	100.00
Trademark 1	Madrid Protocol	Fees *	
6901/7901	7.6(a)(1)	International application based on single application or registration, per class	100.00
6902/7902	7.6(a)(2)	Certifying an International application based on more than one basic application	150.00
6903/7903	7.6(a)(3)	Transmitting a Request to Record an Assignment or restriction under § 7.23 or 7.24	100.00
6904/7904	7.6(a)(4)	Filing a Notice of Replacement, per class	100.00
6905/7905	7.6(a)(5)	Filing an affidavit under § 71 of the Act	100.00
6906/7906	7.6(a)(6)	Surcharge for filing affidavit under § 71 of the Act during grace period, per class	100.00
6907/7907	7.6(a)(7)	Transmitting a subsequent designation	100.00
	Service Fees		
8501	2.6(b)(1)	Printed copy of registered mark, delivery by USPS, USPTO Box, or electronic means	3.00
8503	2.6(b)(4)(i)	Certified copy of registered mark, with title and/or status, regular service	15.00
8504	2.6(b)(4)(ii)	Certified copy of registered mark, with title and/or status, expedited local service	30.00
8507	2.6(b)(2)	Certified copy of trademark application as filed	15.00
8508	2.6(b)(3)	Certified or uncertified copy of trademark-related file wrapper and contents	50.00
8513	2.6(b)(5)	Certified or uncertified copy of trademark document, unless otherwise provided	25.00
8514	2.6(b)(7)	For assignment records, abstracts of title and certification per registration	25.00
8902	2.6(b)(9)	Self-service copy charge, per page	0.25
8521	2.6(b)(6)	Recording trademark assignment, agreement or other paper, first mark per document	40.00
8522	2.6(b)(6)	For second and subsequent marks in the same document	25.00
8523	2.6(b)(10)	Labor charges for services, per hour or fraction thereof	40.00
8524	2.6(b)(11)	Unspecified other services, excluding labor	AT COST
Foster on O	olity Apt Foos		
Fastener Qu 6991	ality Act Fees 2.7(a)	Recordal application fee	20.00
6992	2.7(a) 2.7(b)	Renewal application fee	20.00
6993	2.7(b) 2.7(c)	Late fee for renewal application	20.00
6994	2.7(c) 2.7(a)	Application fee for reactivation of insignia, per request	20.00
U)) 7	2.1(a)	Approacion for for feactivation of morgina, per request	20.00

^{*} The 7000 series fee code (e.g., 7001, 7002, etc.) is used for electronic filings via TEAS, which is available at www.uspto.gov/teas/.